AO 91 (Rev. 08/09) Criminal Complaint

UNDER SEAL

UNITED STATES DISTRICT COURT

for the

Eastern District of Virginia

FILED
NOV 20 2014
CLERK, U.S. DISTRICT COURT
ALEXANDRIA, VIRGINIA

United States of America
v.
ARIEL ALDOFO MEZA MURILLO

Defendant(s)

Case No. 1:14MJ587

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of July 20, 2014, in the county of Fairfax in the Eastern District of Virginia and elsewhere, the defendant(s) violated:

Code Section	*Offense Description*
18 U.S.C. § 2423(a)	The defendant did knowingly and unlawfully transport an individual who had not attained the age of 18 years in interstate and foreign commerce with intent that the individual engage in sexual activity for which the defendant could be charged with a criminal offense,

This criminal complaint is based on these facts:

See attached affidavit.

☑ Continued on the attached sheet.

Reviewed by AUSA/SAUSA:
Rebeca H. Bellows

Complainant's signature

Sean P. Clark, FBI Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 11/20/2014

/s/
Ivan D. Davis
United States Magistrate Judge

City and state: Alexandria, Virginia

UNDER SEAL

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

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ALEXANDRIA, VIRGINIA

UNITED STATES OF AMERICA	)	
	)	
v.	)	Criminal No. 1:14MJ587
	)	
ARIEL ALDOFO MEZA MURILLO,	)	
	)	
Defendant.	)	

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Sean P. Clark, Special Agent with the Federal Bureau of Investigation ("FBI"), Washington Field Office ("WFO"), Washington, D.C., being duly sworn, depose and state as follows:

1. I am a Special Agent (SA) of the Federal Bureau of Investigation (FBI) assigned to the Northern Virginia Resident Agency of the Washington Field Office. I have been a Special Agent with the FBI since January 1999. I am currently assigned to the FBI Crimes Against Children Task Force, which conducts investigations relating to the abuse and exploitation of children. As a federal agent, I am authorized to investigate violations of the laws of the United States and am a law enforcement officer with authority to execute warrants issued under the authority of the United States.

2. This affidavit is submitted in support of a criminal complaint charging ARIEL ALDOFO MEZA MURILLO (hereinafter "MURILLO") with knowingly and unlawfully transporting a girl who had not attained the age of 18 years in interstate and foreign commerce with intent that the girl engage in sexual activity for which the defendant could be charged with a criminal offense, in violation of Title 18, United States Code, Section 2423(a).

3. The facts and information contained in this affidavit are based on my own investigation and on the investigation of other law enforcement officers with whom I have spoken or whose reports I have reviewed. This affidavit contains information necessary to support probable cause and is not intended to include each and every fact and matter observed by me or known to the government.

Factual Basis Supporting Probable Cause

4. On July 20, 2014, the mother of the girl hereinafter referred to by the initials LFA contacted Fairfax County Police to report that LFA was missing. The mother, who resided with LFA and three other children in an apartment in Springfield, Virginia, within the Eastern District of Virginia, reported that she had last seen LFA on the evening of July 19, 2014. LFA, who was born in the year 2000, was only thirteen years old when she was reported missing.

5. The mother told Fairfax County police officers that she rented two rooms of her apartment. MURILLO, whom the mother knew only by the name "Ariel," and another man rented one of the rooms. On July 19, 2014, upon arriving home, the mother saw LFA and MURILLO sitting close together. Shortly thereafter, MURILLO asked the mother whether she would permit him to be LFA's boyfriend. Believing MURILLO to be twenty-two years old, the mother told MURILLO that she would not permit them to be together because of the big age difference between MURILLO and LFA. At around 11:00 p.m. that night, the mother saw LFA inside the apartment.

6. The mother further reported that at approximately 5:30 a.m. on July 20, 2014, she discovered the front door of the apartment was slightly ajar and neither LFA nor MURILLO was inside the apartment. The mother observed that MURILLO had taken his clothes and belongings

with him. The mother called MURILLO's cellular phone but received no answer. At approximately 6:00 a.m., the mother received a text from MURILLO advising that LFA was with him because the mother would not permit them to be in a romantic relationship. MURILLO further stated in his text that he and LFA were in Maryland, and that they would return to Springfield, Virginia, if the mother allowed MURILLO to be LFA's boyfriend.

7. The mother did not have any contact with LFA until October 6, 2014, when she received a call from LFA from an out-of-country telephone number. During that call, LFA told her mother that she was in Honduras and needed her father's telephone number in El Salvador. A week later, the mother reported to law enforcement that LFA was meeting with her father in El Salvador.

8. An agent with the FBI Legat Office in San Salvador met with LFA on October 15, 2014. Two days later, I escorted LFA back to the United States.

9. On October 20, 2014, LFA was interviewed at the Center for Alexandria's Children. LFA advised that she met MURILLO when her mother rented a room in their apartment to MURILLO. LFA stated that she and MURILLO began a romantic relationship at the end of June 2014. According to LFA, she and MURILLO were sometimes alone in the apartment while her mother was at work and at various times during the weekends. LFA reported that on two occasions she and MURILLO had sexual intercourse in MURILLO'S bedroom in the apartment they shared with her mother and siblings. Thereafter, MURILLO asked LFA to leave with him to Honduras. MURILLO told LFA that he loved her and would take care of her. LFA agreed and they left the apartment in the early morning hours of July 20, 2014.

10. LFA further reported that she and MURILLO were driven to Houston, Texas by a white man she did not know. Upon arriving to Houston, MURILLO paid the driver. From Houston, MURILLO and LFA traveled by bus to Mexico. They then traveled through Mexico and Guatemala to get to their final destination in Honduras. During the three months LFA was in Honduras, she and MURILLO lived in his mother's home. There, MURILLO and LFA had sexual intercourse on numerous occasions.

11. MURILLO is a citizen of Honduras and is believed to be currently located in Honduras. At all times relevant to this matter, MURILLO was at least 20 years old.

12. In Virginia, Maryland, and Texas, MURILLO could be charged with a criminal offense for engaging in sexual activity with LFA. Section 18.2-63 of the Code of Virginia makes it unlawful for any adult to have sexual intercourse with a child between thirteen and fifteen years of age. Such an offense is classified as a Class 4 felony. In Maryland, a person is subject to prosecution for Rape in the Second Degree pursuant to Maryland Criminal Law Code § 3-304(a)(3) if he has vaginal intercourse with a minor under the age of 14 and is at least four years older than the minor. A conviction under that section carries a maximum term of twenty years imprisonment. In addition, a person who has vaginal intercourse with a 14 or 15 year-old and who is at least four years older than the minor, is subject to imprisonment not exceeding one year pursuant to Maryland Criminal Law Code § 3-308(b)(3). In Texas, a person commits the offense of aggravated sexual assault, in violation of Texas Penal Code § 22.021, if he intentionally and knowingly causes the penetration of a sexual organ of a child younger than 14 years of age. Texas Penal Code § 22.011 criminalizes the sexual penetration of a child between the ages of 14 and 17 by a person who is more than three years older than the child.

Conclusion

13. Based on the foregoing, there is probable cause to believe that on or about July 20, 2014, within the Eastern District of Virginia and elsewhere, MURILLO knowingly transported a girl who had not attained the age of 18 years in interstate and foreign commerce with the intent that the girl engage in sexual activity for which the defendant could be charged with a criminal offense.

Sean P. Clark
Special Agent
Federal Bureau of Investigation

Subscribed and sworn to before me this 20th day of November, 2014.

/s/
Ivan D. Davis
United States Magistrate Judge

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NOV 20 2014
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Alexandria Division

UNITED STATES OF AMERICA,
v.
ARIEL ALDOFO MEZA MURILLO,

Case No: 1:14MJ587

UNDER SEAL

GOVERNMENT'S MOTION TO SEAL COMPLAINT
PURSUANT TO LOCAL RULE 49(B)

The United States, by and through undersigned counsel, pursuant to Local Rule 49(B) of the Local Criminal Rules for the United States District Court for the Eastern District of Virginia, asks for an Order to Seal the complaint and affidavit in support of the complaint, until the defendant is arrested.

I. REASONS FOR SEALING (Local Rule 49(B)(1))

1. The Federal Bureau of Investigation is investigating the defendant for transporting a minor in interstate and foreign commerce with the intent that the minor engage in sexual activity for which the defendant could be charged with a criminal offense, in violation to Title 18, United States Code, Section 2423(a).

2. Premature disclosure of the charges against the defendant would jeopardize an ongoing criminal investigation, threatening our ability to locate and arrest the defendant. Disclosure of the complaint and affidavit in support of the complaint would also provide the defendant and others with a roadmap of the ongoing criminal investigation, including the identity of potential witnesses.

II. REFERENCES TO GOVERNING CASE LAW (Local Rule 49(B)(2))

3. The Court has the inherent power to seal complaints and affidavit in support of complaints. See United States v. Wuagneux, 683 F.2d 1343, 1351 (11th Cir. 1982); State of Arizona v. Maypenny, 672 F.2d 761, 765 (9th Cir. 1982); Times Mirror Company v. United States, 873 F.2d 1210 (9th Cir. 1989); see also Shea v. Gabriel, 520 F.2d 879 (1st Cir. 1975); United States v. Hubbard, 650 F.2d 293 (D.C. Cir. 1980); In re Braughton, 520 F.2d 765, 766 (9th Cir. 1975). "The trial court has supervisory power over its own records and may, in its discretion, seal documents if the public's right of access is outweighed by competing interests." In re Knight Pub. Co., 743 F.2d 231, 235 (4th Cir. 1984). Sealing the complaint and affidavit in support of the complaint is appropriate where there is a substantial probability that the release of the sealed documents would compromise the government's ongoing investigation. See e.g. In re Search Warrant for Secretarial Area Outside Office of Gunn, 855 F.2d 569, 574 (8th Cir. 1988); Matter of Eye Care Physicians of America, 100 F.3d 514, 518 (7th Cir. 1996); Matter of Flower Aviation of Kansas, Inc., 789 F.Supp. 366 (D. Kan. 1992).

III. PERIOD OF TIME GOVERNMENT SEEKS TO HAVE MATTER REMAIN UNDER SEAL (Local Rule 49(B)(3))

4. The complaint and affidavit in support of the complaint would need to remain sealed until the defendant is arrested.

5. Upon the defendant's arrest, pursuant to Local Rule 49(B)(3), the sealed materials will be automatically unsealed and handled as such.

6. The United States has considered alternatives less drastic than sealing and has found none that would suffice to protect this investigation. The United States will move to unseal the documents before they are set to become automatically unsealed if it determines that circumstances warrant such action.

WHEREFORE, the United States respectfully requests that the complaint and affidavit in support of the complaint and this Motion to Seal and proposed Order be sealed until the defendant is arrested.

Respectfully submitted,

Dana J. Boente
United States Attorney

By: [signature]
Rebeca H. Bellows
Assistant United States Attorney

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

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UNITED STATES OF AMERICA,)
) Case No: 1:14MJ587
v.)
) **UNDER SEAL**
ARIEL ALDOFO MEZA MURILLO,)

ORDER TO SEAL

The United States, pursuant to Local Rule 49(B) of the Local Criminal Rules for the United States District Court for the Eastern District of Virginia, having moved to seal the complaint and affidavit in support of the complaint, the Motion to Seal, and proposed Order in this matter; and

The Court, having found that revealing the material sought to be sealed would jeopardize an ongoing criminal investigation; having considered the available alternatives that are less drastic than sealing, and finding none would suffice to protect the government's legitimate interest in concluding the investigation; and finding that this legitimate government interest outweighs at this time any interest in the disclosure of the material; it is hereby

ORDERED, ADJUDGED, and DECREED that the complaint and affidavit in support of the complaint, Motion to Seal, and this Order be Sealed until the defendant is arrested.

/s/
Ivan D. Davis
United States Magistrate Judge

Date: 20 Nov 14
Alexandria, Virginia